

TITLE 30 – STATE ETHICS COMMISSION

Notice is hereby given in accordance with G.S. 120C-101 that the State Ethics Commission intends to adopt the rules cited as 30 NCAC 01 .0101-.0105; 02 .0101-.0103; 03 (Reserved); 04 (Reserved); 05A .0101-.0107, 05B .0101-.0104; 06 (Reserved); 07A .0101; 07B .0101-.0103, 07C .0101; 08 (Reserved); 09A .0101-.0102, 09B .0101-.0103; 10A (Reserved), 10B (Reserved), 10C .0101-.0103, .0200 (Reserved), 10C .0301.

Proposed Effective Date: January 1, 2011

Public Hearing:

Date: November 19, 2010

Time: 10:00 a.m.

Location: Office of Administrative Hearings, Rules Review Commission Room, 1711 New Hope Church Road, Raleigh, NC

Reason for Proposed Action:

30 NCAC 01 .0101-.0105 – to adopt general procedures governing the Commission

30 NCAC 02 .0101-.0103 – to adopt criteria and procedures for designating covered (non-advisory) boards

30 NCAC 05A .0101-.0107 – to adopt filing procedures for Statements of Economic Interest

30 NCAC 05B .0101-.0104 – to adopt rules pertaining to the contents of Statements of Economic Interest

30 NCAC 07A .0101 – to adopt a definition of "interested person"

30 NCAC 07B .0101-.0103 – to adopt rules governing the acceptance of food and beverage for immediate consumption under the gift ban exception of G.S. 138A-32(e)(1)

30 NCAC 07C .0101 – to adopt criteria for the educational meeting gift ban exception in G.S. 138A-32(e)(3)(i)

30 NCAC 09A .0101-.0102 – to adopt procedures governing the filing of complaints under G.S. 138A-12

30 NCAC 09B .0101-.0103 – to adopt complaint inquiry and probable cause finding procedures

30 NCAC 10C .0101 – to adopt a rule on calculating the value of reportable expenditures

30 NCAC 10C .0102-.0103 – to adopt rules governing the date a reportable expenditure is made, for the benefit of, at the request of, or on behalf of a designated individual or immediate family member and when those reportable expenditures must be reported

30 NCAC 10C .0301 – to adopt criteria for when a lobbyist's estimate is "reasonably allocated"

Comments may be submitted to: Mary Shuping, 1324 Mail Service Center, Raleigh, NC 27699-1324, phone (919)715-2071, fax (919)715-1644, email mary.shuping@doa.nc.gov

The State Ethics Commission is exempt from Article 2A of Chapter 150B of the General Statutes (see G.S. 150B-1(d)(16)) for rules adopted pursuant to Chapter 138A (State Government Ethics Act) and Chapter 120C (Lobbying Law). However, G.S. 120C-101(c) requires the Commission to provide a notice and opportunity for written comments and hold a least one public hearing prior to adopting any rules under the Commission's authority for Chapter 120C. The Commission has elected to follow this same process for rules it adopts pursuant to Chapter 138A.

Comment period ends: December 1, 2010

CHAPTER 01 - GENERAL

30 NCAC 01 .0101 SCOPE

The rules in this Title execute the authority granted to the State Ethics Commission ("Commission") pursuant to Chapter 138A, State Government Ethics Act, and Chapter 120C, Lobbying, of the North Carolina General Statutes.

Authority G.S. 120C-101(a); 138A-10(a)(2); 138A-10(a)(10).

30 NCAC 01 .0102 LOCATION AND CONTACT INFORMATION

The State Ethics Commission is located at 424 N. Blount St., Raleigh, NC 27601-1010. The mailing address is 1324 Mail Service Center, Raleigh, NC 27699-1324. The Commission's telephone number is (919) 715-2071. The Commission's e-mail address is ethics.commission@doa.nc.gov.

Authority G.S. 138A-9; 138A-10(a)(2); 138A-10(a)(10).

30 NCAC 01 .0103 OFFICE HOURS

The State Ethics Commission office shall be staffed from at least 9:00 a.m. until 5:00 p.m., Monday through Friday. The Commission follows the State Government Holiday Schedule.

Authority G.S. 138A-9; 138A-10(a)(2); 138A-10(a)(10).

30 NCAC 01 .0104 CALCULATION OF TIME PERIODS

In computing any period of time prescribed or allowed by these rules, by order of court, or by any applicable statute, including rules, orders or statutes respecting publication of notices, the day of the act, event, default or publication after which the designated period of

time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a State legal holiday in which event the period runs until the end of the next day which is not a Saturday, Sunday, or a State legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and State legal holidays shall be excluded in the computation.

Authority G.S. 138A-10(a)(2); 138A-10(a)(10).

30 NCAC 01 .0105 PUBLIC RECORD REQUESTS

(a) All requests for public records, including Statements of Economic Interest, should be in writing.

(b) All requests will be processed as promptly as reasonably possible, generally on a first-come, first-served basis.

(c) There shall be no cost for copies of public records of 20 pages or less. For more than 20 pages, the fee shall be ten cents (.10) per page.

(d) For information contained on a compact disc ("CD"), the cost shall be two dollars (\$2.00) per compact disc.

Authority G.S. 132-6(a); 138A-10(a)(2); 138A-10(a)(10).

CHAPTER 02 - COVERED PERSONS AND BOARDS

30 NCAC 02 .0101 NON-ADVISORY BOARDS

A board as defined in G.S. 138A-3(1c) that is authorized to perform any of the following functions shall generally be deemed a non-advisory board:

- (1) Allocate, spend, award, or invest public money where the expenditures do not relate solely to the internal operations of the boards;
- (2) Issue, renew, deny, revoke or suspend licenses;
- (3) Adopt rules, regulations, standards, or criteria affecting those outside of the board or commission;
- (4) Enter into or approve contracts involving public money; or
- (5) Set policy governing operation of an agency or institution.

Authority G.S. 138A-3(1c); 138A-10(a)(2); 138A-10(a)(10).

30 NCAC 02 .0102 NOTIFICATION OF STAFF RECOMMENDATION TO COMMISSION

The Commission staff shall notify a board of staff's initial coverage recommendation to the Commission at least 60 days prior to the Commission meeting at which the matter will be considered.

Authority G.S. 138A-3(1c); 138A-10(a)(2); 138A-10(a)(10).

30 NCAC 02 .0103 RIGHT TO CONTEST RECOMMENDATION

(a) A board proposed to be covered may contest staff's initial recommendation. If the board elects to contest the coverage recommendation, the board shall respond in writing and submit any materials in support of the board's position within 45 days of receipt of the initial coverage recommendation. If the board has timely responded to the initial notice, the board shall also have the right to be heard at the Commission meeting at which the matter will be considered.

(b) The Executive Director may extend the deadline in Paragraph (a) of this Rule upon good cause shown.

Authority G.S. 138A-3(1c); 138A-10(a)(2); 138A-10(a)(10).

CHAPTER 03 - ETHICS LIAISONS (RESERVED)

CHAPTER 04 - AGENCY HEADS (RESERVED)

CHAPTER 05 - STATEMENTS OF ECONOMIC INTEREST

SUBCHAPTER 05A - FILING

30 NCAC 05A .0101 MANDATORY USE OF COMMISSION FORMS

The Commission's most current forms shall be used to file all Statements of Economic Interest ("SEI").

Authority G.S. 138A-10(a)(2); 138A-10(a)(4); 138A-10(a)(10); 138A-22(g).

30 NCAC 05A .0102 SIGNATURE VERIFIES INFORMATION IS TRUE

An individual's signature on a document constitutes that person's verification that all information entered on the Statement of Economic Interest is true and complete.

Authority G.S. 138A-10(a)(2); 138A-10(a)(4); 138A-10(a)(10); 138A-22; 138A-24(c).

30 NCAC 05A .0103 ELECTRONIC SIGNATURE

Signers of electronic documents may use any form of electronic signature permissible under G.S. 66-312(9), except that it shall not be a sound.

Authority G.S. 66-312(9); 138A-10(a)(2); 138A-10(a)(4); 138A-10(a)(10); 138A-22.

30 NCAC 05A .0104 GENERAL SUBMISSION LOCATIONS AND METHODS

(a) Statements of Economic Interest shall be filed using one of the following methods:

- (1) Electronically via the Commission's website.
- (2) United States mail addressed to: State Ethics Commission, 1324 Mail Service Center, Raleigh, NC 27699-1324.
- (3) Designated delivery service authorized by G.S. 1A-1, Rule 4, addressed to: State Ethics Commission, 424 N. Blount St., Raleigh, NC 27601-1010.
- (4) Hand-delivery during regular business hours to the Commission's offices at 424 N. Blount St., Raleigh, NC 27601-1010.

(b) Statements of Economic Interest shall not be filed by methods other than authorized by this rule, including scanning, e-mailing, or facsimile transmission.

Authority G.S. 138A-10(a)(2); 138A-10(a)(4); 138A-10(a)(10); 138A-22.

30 NCAC 05A .0105 INCOMPLETE FORMS

Incomplete Statements of Economic Interests shall not be considered timely filed for the purpose of G.S. 138A-22.

Authority G.S. 138A-10(a)(2); 138A-10(a)(4); 138A-10(a)(10); 138A-22; 138A-24(c).

30 NCAC 05A .0106 PROOF OF SUBMISSION

A person may obtain proof of submission of a filing to the Commission by:

- (1) Any means acceptable pursuant to G.S. 1A-1, Rules of Civil Procedure;
- (2) Requesting that the Commission return a file stamped copy and supplying a postage prepaid envelope or prepaid delivery service envelope; or
- (3) Requesting that the Commission date-stamp a copy at the time of hand-delivery.

Authority G.S. 1A-1; 138A-10(a)(2); 138A-10(a)(4); 138A-10(a)(10); 138A-22.

30 NCAC 05A .0107 RECEIPT DATE

For the purpose of determining compliance with filing deadlines, the postmarked date on a Statement of Economic Interest filed by U.S. Mail shall be used. For electronic filing and commercial or hand-delivery, the receipt date will be the actual date received by the Commission.

Authority G.S. 138A-10(a)(2); 138A-10(a)(4); 138A-10(a)(10); 138A-22.

SUBCHAPTER 05B - CONTENTS

30 NCAC 05B .0101 DEFINITION OF IMMEDIATE FAMILY

A child of a covered person who is 18 years of age or older and who temporarily resides away from home is "residing in the covered person's household" for each year in which the child is claimed as a dependent on the covered person's Federal Income Tax Return.

Authority G.S. 138A-10(a)(2); 138A-10(a)(4); 138A-10(a)(10); 138A-24(a).

30 NCAC 05B .0102 REPORTABLE STOCK HOLDING THRESHOLD IS PER COMPANY

The ten thousand dollar (\$10,000) threshold that triggers reporting of stocks is per company and not the cumulative value of stocks held in multiple companies.

Authority G.S. 138A-10(a)(2); 138A-10(a)(4); 138A-10(a)(10); 138A-24(a)(2)(e).

30 NCAC 05B .0103 SECOND MORTGAGE NOT REPORTABLE

A second mortgage is another form of "indebtedness on the filing person's primary personal residence," and, is not reportable.

Authority G.S. 138A-10(a)(2); 138A-10(a)(4); 138A-10(a)(10); 138A-24(a)(2)(k).

30 NCAC 05B .0104 REPORTABLE LIABILITY THRESHOLD IS PER CREDITOR

The ten thousand dollar (\$10,000) threshold that triggers reporting of liabilities is per creditor and not the cumulative value of multiple debts.

Authority G.S. 138A-10(a)(2); 138A-10(a)(4); 138A-10(a)(10); 138A-24(a)(2)(k).

CHAPTER 06 - EDUCATION (RESERVED)

CHAPTER 07 - GIFTS

SUBCHAPTER 07A - INTERESTED PERSONS

30 NCAC 07A .0101 "INTERESTED PERSONS"

For purposes of this Chapter, the term "interested persons" shall mean those persons listed in G.S. 138A-32(d).

Authority G.S. 138A-10(a)(2); 138A-10(a)(10); 138A-32(d).

SUBCHAPTER 07B - FOOD AND BEVERAGE FOR IMMEDIATE CONSUMPTION AT CERTAIN GATHERINGS

30 NCAC 07B .0101 GATHERINGS OPEN TO THE GENERAL PUBLIC

For purposes of G.S. 138A-32(e)(1)b., if the general public is required to pay a fee to attend a gathering, while individual public servants, legislators, or legislative employees are not charged the same fee, the gathering is not "open to the general public."

Authority G.S. 120C-101(a); 120C-303; 138A-10(a)(2); 138A-10(a)(10); .138A-32(c); 138A-32(d); 138A-32(d1); 138A-32(e)(1)b.

30 NCAC 07B .0102 ASSOCIATED WITH THE PERSON OR GOVERNMENTAL UNIT

(a) For purposes of G.S. 138A-32(e)(1)c.1, when legislators or legislative employees are invited and the gathering is sponsored by a group that only consists of lobbyists, lobbyist principals, or liaison personnel, 10 individuals associated with the group shall actually attend the gathering. For purposes of this Paragraph, "group" shall mean more than one sponsoring lobbyist, lobbyist principal or liaison personnel.

(b) For purposes of G.S. 138A-32(e)(1)c.1, when public servants and legislators or legislative employees are invited and the gathering is sponsored by a group that only consists of interested persons, lobbyists or lobbyist principals, 10 individuals associated with the group shall actually attend the gathering. For purposes of this Paragraph, "group" shall mean more than one sponsoring interested person, lobbyist or lobbyist principal.

(c) For purposes of G.S.138A-32(e)(1)c.1, "associated with the person or governmental unit" includes, but is not limited to:

- (1) An employee;
- (2) An individual who is a director, officer, partner, or holds another leadership position;
- (3) An owner of a legal, equitable, or beneficial interest of ten thousand dollars (\$10,000) or more, other than a trustee on a deed of trust;
- (4) An owner of five percent or more of the business, other than a trustee on a deed of trust;
- (5) A registered lobbyist;

(d) Whether other relationships qualify as "associated with the person" or "associated with the governmental unit" will be determined on a case-by-case basis.

Authority G.S. 120C-101(a); 120C-303; 138A-10(a)(2); 138A-10(a)(10); 138A-32(c); 138A-32(d); 138A-32(d1); 138A-32-(e)(1)c.

30 NCAC 07B .0103 INVITED

(a) For purposes of G.S. 138A-32(e)(1)c. a "specific qualifying group" means all members of one of the groups of public servants, legislators, or legislative employees listed in G.S. 138A-32(e)1.c.

(b) If more than one specific qualifying group is invited to a gathering, the requirements of G.S. 138A-32(e)(1)c. are satisfied if one host or sponsor provides written notice to all members of at least one of those specific qualifying groups.

(c) For purposes of G.S. 138A-32(e)(1)c. "written notice" includes a notice made by e-mail.

Authority G.S. 120C-101(a); 120C-303; 138A-10(a)(2); 138A-10(a)(10); 138A-32(e)(1)c.

SUBCHAPTER 07C - CERTAIN MEETINGS AND CONFERENCES FUNDED BY LOBBYIST PRINCIPALS

30 NCAC 07C .0101 EDUCATIONAL MEETING CRITERIA

A determination as to whether an event qualifies as an educational meeting, shall be based upon consideration of the following non-exclusive factors:

- (1) Whether the meeting's *primary* purpose is to *influence* a public servant, legislator, or legislative employee with respect to executive or legislative action or to *promote learning* for professional improvement notwithstanding a particular executive or legislative action. In applying this factor, the following facts shall be considered:
 - (a) Whether the meeting is directly related to an upcoming official vote, recommendation, or other action that the public servant, legislator, or legislative employee may take, such as the discussion of a legislative or executive proposal or specific concerns with respect to a matter that would require legislative or executive action to remedy.
 - (b) Whether the individual or entity hosting the meeting is attempting to influence particular legislative or executive action by the public servant, legislator, or legislative employee whose meeting expenditures will be paid or intends to request such action at the time the meeting is held.
 - (c) Whether the facts otherwise demonstrate that the individual's or entity's purpose in holding the meeting is to influence legislative or executive action.

- (2) The nature of the individual or entity holding the meeting. In applying this factor, the following facts shall be considered:
 - (a) Whether the individual or entity is a State agency or governmental entity.
 - (b) Whether the individual or entity is an educational institution.
 - (c) Whether the individual or entity routinely sponsors meetings with educational content.
 - (d) Whether the individual or entity holding the meeting is a Lobbyist Principal.
- (3) Whether the Lobbyist Principal that is providing the reasonable actual expenditures of the legislator, legislative employee, or public servant attending the meeting is also the sponsor or co-sponsor of the meeting.
- (4) Whether the complete agenda of the meeting demonstrates that the meeting's primary purpose is to promote learning for professional improvement, rather than influence, a public servant, legislator, or legislative employee with respect to executive or legislative action. In applying this factor, the following facts shall be considered:
 - (a) The proportion of scheduled events that have a speaker, roundtable discussion, or other educational content.
 - (b) The proportion of scheduled events held in the absence of a meal or entertainment.
 - (c) The proportion of the meeting agenda that includes meals or entertainment provided in conjunction with formal educational content.
 - (d) Whether the meeting agenda covers a wide range of topics or has a very limited, industry-specific focus.
 - (e) Whether the meeting would take place regardless of the attendance of the public servant, legislator, or legislative employee whose meeting expenditures will be paid.
 - (f) Whether the speakers or panel participants at the meeting are associated with the Lobbyist Principal paying for the meeting expenditures of the public servant, legislator, or legislative employee, including its registered lobbyist.
 - (g) Whether the speakers are outside experts in their field.
- (5) The relationship of the location of the meeting to the meeting's educational content. In applying this factor, the following facts shall be considered:
 - (a) Whether there is a basis for holding the meeting in a location other than the location where the public servant, legislator, or legislative employee whose meeting expenditures will be paid lives or works.
 - (b) Whether the location of the meeting is integral to the meeting's educational content.
 - (c) Whether the meeting is sponsored by a state, national, or international organization for the benefit of its state, national, or international membership.
 - (d) Whether the public servant, legislator, or legislative employee whose meeting expenditures will be paid could obtain a comparable degree of educational information through other means that would not require travel.
- (6) Whether the total length of the meeting is reasonably necessary to fulfilling its educational purpose.
- (7) The degree of personal benefit derived by the legislator, legislative employee, or public servant relative to the meeting's educational value.

Authority G.S. 120C-101(a); 120C-303; 138A-10(a)(2); 138A-10(a)(10); 138A-32(e)(3)(i).

CHAPTER 08 - CONFLICTS OF INTEREST AND OTHER ETHICAL STANDARDS (RESERVED)

CHAPTER 09 - ETHICS COMPLAINTS

SUBCHAPTER 09A - FILING A COMPLAINT

30 NCAC 09A .0101 SCOPE

The rules in this Subchapter shall apply only to complaints filed pursuant to the State Government Ethics Act, Chapter 138A of the North Carolina General Statutes.

Authority G.S. 138A-10(a)(2); 138A-10(a)(5); 138A-10(a)(6); 138A-10(a)(10); 138A-12.

30 NCAC 09A .0102 FORMS

Complaints shall be filed in accordance with G.S. 138A-12(c). A form for filing a complaint is available on the Commission's website at www.ethicscommission.nc.gov or by contacting the Commission at (919) 715-2071.

Authority G.S. 138A-10(a)(2); 138A-10(a)(5); 138A-10(a)(6); 138A-10(a)(10); 138A-12(c).

SUBCHAPTER 09B - PRELIMINARY INQUIRY AND PROBABLE CAUSE DETERMINATION

30 NCAC 09B .0101 INQUIRY AND PROBABLE CAUSE PANELS

(a) The preliminary inquiry and the determination of probable cause shall be made by a panel of two Commission members, neither of whom shall be of the same political party, and the Executive Director. The Chair shall appoint members of the panel to serve on a rotating basis. The Chair is authorized to appoint substitute panel members in the Chair's discretion.

(b) After a preliminary inquiry, the panel may dismiss a complaint if it determines:

- (1) The individual against whom the complaint was filed is not a covered person or legislative employee; or
- (2) The complaint did not allege facts sufficient to constitute a violation under G.S. 138A-12(b).

(c) Commission members who serve on a panel shall not participate in any other proceeding involving a complaint which was considered by the panel.

Authority G.S. 138A-10(a)(2); 138A-10(a)(5); 138A-10(a)(6); 138A-10(a)(10); 138A-12.

30 NCAC 09B .0102 PROBABLE CAUSE

Probable cause means a reasonable cause to believe that a covered person or legislative employee committed a violation of G.S. 138A-12(b). Probable cause includes a reasonable belief in the legal validity of the claim itself. Probable cause:

- (1) Is a flexible, common-sense standard and does not require a showing that such a belief be correct or more likely true than false.
- (2) Deals with probabilities that are not technical but are factual and practical considerations of everyday life on which reasonable and prudent individuals, not legal technicians, act.
- (3) Is a pragmatic question to be determined in each case in the light of the particular circumstances and offense involved.
- (4) Is more than a bare suspicion, but less than the legal standard of "preponderance of the evidence," "clear or convincing evidence," or "proof beyond a reasonable doubt" that a Respondent has committed an unethical act.

Authority G.S. 138A-10(a)(2); 138A-10(a)(5); 138A-10(a)(6); 138A-10(a)(10); 138A-12(h).

30 NCAC 09B .0103 WRITTEN RESPONSE AFTER PRELIMINARY INQUIRY

(a) After a preliminary inquiry, if the covered person or legislative employee chooses to file a response with the Commission pursuant to G.S. 138A-12(g), the covered person or legislative employee shall file the response no later than 30 calendar days after receiving the written notice that the Commission is conducting a further inquiry.

(b) The Executive Director may extend the deadline in Paragraph (a) of this Rule for up to 30 calendar days upon good cause shown.

Authority G.S. 138A-10(a)(2); 138A-10(a)(5); 138A-10(a)(6); 138A-10(a)(10); 138A-12(g).

CHAPTER 10 - LOBBYING

SUBCHAPTER 10A - REGISTRATION (RESERVED)

SUBCHAPTER 10B - PROHIBITIONS AND RESTRICTIONS (RESERVED)

SUBCHAPTER 10C - REPORTING

SECTION .0100 - GENERAL

30 NCAC 10C .0101 CALCULATING VALUE OF REPORTABLE EXPENDITURES

When determining if reporting is required pursuant to the ten dollar threshold of G.S. 120C-100(a)(12), the aggregate amount of all things of value made to, at the request of, for the benefit of, or on behalf of a designated individual and that designated individual's immediate family members on that calendar day shall be used.

Authority G.S. 120C-100(a)(12); 120C-101(a); 120C-400; 120C-401; 120C-402; 120C-403.

30 NCAC 10C .0102 REPORTABLE EXPENDITURES MADE TO OR FOR THE BENEFIT OF A DESIGNATED INDIVIDUAL OR A DESIGNATED INDIVIDUAL'S IMMEDIATE FAMILY MEMBER

(a) A reportable expenditure made to or for the benefit of a designated individual or a designated individual's immediate family member shall be reported on the expense report filed for the month the reportable expenditure is received by the designated individual or the designated individual's immediate family member.

(b) When the reportable expenditure is made to or for the benefit of a designated individual or a designated individual's immediate family member, the date of the reportable expenditure is the date the reportable expenditure is received by the designated individual or the designated individual's immediate family member.

Authority G.S. 120C-100(a)(12); 120C-101(a); 120C-400; 120C-401; 120C-402; 120C-403.

30 NCAC 10C .0103 REPORTABLE EXPENDITURE MADE AT THE REQUEST OF OR ON BEHALF OF A DESIGNATED INDIVIDUAL OR A DESIGNATED INDIVIDUAL'S IMMEDIATE FAMILY MEMBER

(a) A reportable expenditure made at the request of or on behalf of a designated individual or a designated individual's immediate family member shall be reported on the expense report filed for the month the reportable expenditure is made by the giver.

(b) When the reportable expenditure is made at the request of or on behalf of a designated individual or a designated individual's immediate family member, the date of the reportable expenditure is the date the reportable expenditure is made by the giver.

Authority G.S. 120C-100(a)(12); 120C-101(a); 120C-400; 120C-401; 120C-402; 120C-403.

SECTION .0200 - LOBBYIST REPORTING (RESERVED)

SECTION .0300 - LOBBYIST PRINCIPAL REPORTING

30 NCAC 10C .0301 REASONABLY ALLOCATED ESTIMATES ALLOWED

(a) For purposes of lobbyist principal reporting required by G.S. 120C-403(d) and (e), a lobbyist's estimate does not need to be an exact calculation or determination but shall be reasonably allocated. "Lobbyist's estimate" means a lobbyist's estimate of the portion of the salary or other payment that is reasonable allocated for lobbying and lobbying services. "Lobbying services" are those communications and activities listed in G.S. 120C-403(e)(2).

(b) A lobbyist's estimate is reasonably allocated if it:

- (1) Specifies the portion of the lobbyist's salary, fee, or retainer that is estimated to be in payment for lobbying and lobbying services (for example, "25 percent", rather than "under 40 percent" or "from 10 percent to 30 percent ").
- (2) Includes all payments for lobbying that the lobbyist principal conveyed to the lobbyist during the registration period under G.S. 120C-200(d);
- (3) Includes all payments for lobbying services the lobbyist principal conveyed to the lobbyist during the registration period under G.S. 120C-200(d);
- (4) Is consistent with the known facts and circumstances underlying the employment terms or compensation agreement between the lobbyist principal and the lobbyist;
- (5) Is made retrospectively; and
- (6) Is made in good faith.

(c) The estimate of the portion of the lobbyist's payment that is allocated for the purpose of lobbying should be verifiable in some manner in the event the allocation is questioned.

Authority G.S. 120C-101(a); 120C-400; 120C-403(d); 120C-403(e).